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RICHARD A. MARSHACK

8 UNITED STATES BANKRUPTCY COURT  
9 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

10  
11 In re  
12  
13 THE LITIGATION PRACTICE GROUP P.C.,  
14 Debtor.

Case No: 8-23-bk-10571-SC

Chapter 11

NOTICE OF MOTION TO APPROVE  
COMPROMISE BETWEEN TRUSTEE  
AND AZZURE CAPITAL LLC

Hearing:

Date: September 13, 2023

Time: 1:30 p.m.

Judge: Hon. Scott C. Clarkson

Place: Courtroom 5C – Via ZoomGov

411 W. Fourth Street  
Santa Ana, CA 92701

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16  
17  
18  
19 TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY JUDGE,  
20 THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

21 PLEASE TAKE NOTICE that on September 13, 2023, at 1:30 p.m., in Courtroom 5C, via  
22 ZoomGov, a hearing will be held on the Motion (“Motion”) of Richard A. Marshack, in his  
23 capacity as Chapter 11 Trustee (“Trustee”) of the Bankruptcy Estate of The Litigation Practice  
24 Group P.C., to approve the settlement agreement (“Agreement”) with Azzure Capital LLC  
25 (“Azzure”) to fully resolve all issues, disputes, liabilities, and claims existing between them  
26 regarding the issues described below. The Agreement avoids the cost and risk of litigation, and in  
27 the business judgment of Trustee is in the best interest of creditors and the Estate.  
28

1 Prepetition, Azzure made a secured loan to Debtor in the principal amount of \$2.55 million.  
2 Azzure contends that the amount due now exceeds \$5 million ("Loan"). Trustee disputes the amount  
3 owed on multiple grounds including, but not limited to, whether the embedded annual 170% fixed  
4 interest rate in the Loan is enforceable against Debtor under California law and whether the lien  
5 created and previously-recorded UCC-1 assigned to Azzure properly perfected its lien. The  
6 perfection issues alone are novel and presents a matter of first impression. In order to resolve the  
7 dispute, the Parties have entered into an agreement which provides that: (1) Azzure will have an  
8 allowed secured claim of \$3.5 million ("Compromised Secured Claim"); (2) on account of the  
9 Compromised Secured Claim, Trustee shall pay Azzure \$1.9 million<sup>1</sup> with the lien securing the  
10 balance of the Compromise Secured Claim - \$1.6 million - being avoided, recovered, and preserved  
11 for the benefit of the Estate; and (3) Azzure shall retain only a \$1.6 million unsecured claim against  
12 the Estate; and (4) limited releases for actions arising from the Azzure Loan. A true and correct copy  
13 of the Agreement is attached to the Motion as Exhibit "1." The complete scope and terms of the  
14 Agreement are detailed in the Motion a copy of which can be obtained by contacting Trustee's  
15 counsel whose contact information is listed on the first page of this Notice.

16 PLEASE TAKE FURTHER NOTICE that if you do not oppose the Motion, you need take no  
17 further action. If you object to the Motion, however, pursuant to Rule 9013-1(f) of the Local  
18 Bankruptcy Rules, any opposition must be filed with the court no later than 14 days prior to the  
19 hearing. Any opposition must be filed with the Clerk of the Court and served on Trustee's counsel,  
20 other interested parties, and the Office of the United States Trustee (411 W 4<sup>th</sup> St #7160, Santa Ana,  
21 CA 92701) no later than 14 days prior to the date of the hearing.

22 DATED: August 16, 2023

MARSHACK HAYS LLP

23 By: /s/ D. Edward Hays

24 D. EDWARD HAYS

25 Attorneys for Chapter 11 Trustee

26 RICHARD A. MARSHACK

27  
28 <sup>1</sup> This amount shall be paid prior to the unsecured claims of all post-petition lenders that received super-administrative priority status and from the sale proceeds.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION TO APPROVE COMPROMISE BETWEEN TRUSTEE AND AZZURE CAPITAL LLC** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 16, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On **August 16, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**DEBTOR – MAIL REDIRECTED TO TRUSTEE**

THE LITIGATION PRACTICE GROUP P.C.  
17542 17TH ST, SUITE 100  
TUSTIN, CA 92780-1984

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 16, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**VIA PERSONAL DELIVERY:**

**PRESIDING JUDGE'S COPY**

HONORABLE SCOTT C. CLARKSON  
UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE  
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C  
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 16, 2023  
Date

Layla Buchanan  
Printed Name

/s/ Layla Buchanan  
Signature

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:**

- **ATTORNEY FOR CREDITOR AFFIRMA, LLC and CREDITOR OXFORD KNOX, LLC:** Eric Bensamochan eric@eblawfirm.us, G63723@notify.cincompass.com
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---

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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**RTD 05/30/23 UTF**

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MC DVI FUND 1, LLC; MC DVI FUND  
2, LLC  
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**RTD 06/05/23 UTF**

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